

OCT 07 2020

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **FOR THE COUNTY OF VENTURA**

17 DEANNE FILERMAN, an individual,

Case No.:

Unlimited Jurisdiction

18 Plaintiff,

**PLAINTIFF'S COMPLAINT FOR
DAMAGES FOR PERSONAL
INJURIES BASED ON NEGLIGENCE**

19 v.

20 WAL-MART STORES, INC., a corporation,
21 DOES 1 through 10 and ROE Corporations 1
22 through 10, inclusive,

23 Defendants.

24 Plaintiff, DEANNE FILERMAN ("PLAINTIFF"), by and through PLAINTIFF

25 's attorneys, as and for a Complaint against Defendants, and each of them, alleges:

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1 will amend this Complaint to show their true names and capacities when ascertained together
2 with the proper charging allegations.
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4 8. At all times herein mentioned, Defendants Docs 1 through 10 and Roc
5 Corporations 1 through 10, inclusive, were the agents, servants and employees of their co-
6 Defendants, and in doing the things hereinafter alleged were acting within the scope of their
7 authority as such agents, servants and employees and with the consent and permission of their
8 co-Defendants.
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11 9. PLAINTIFF is informed and believes and thereupon alleges that each of the
12 Defendants designated herein as a DOE or ROE is responsible in some manner and liable herein
13 by reason of negligence, malfeasance, nonfeasance, wanton and reckless misconduct, and
14 conscious disregard, and said Defendants directly, legally and proximately caused the injuries
15 and damages asserted in this Complaint by such wrongful conduct.
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18 10. The acts, conduct, and nonfeasance herein carried out by each and every
19 representative, employee or agent of each and every corporate or business defendant, were
20 authorized, ordered, and directed by the respective Defendant's corporate or business employers,
21 officers, directors and/or managing agents; that in addition thereto, said corporate or business
22 employers, officers, directors and/or managing agents had advance knowledge of, authorized,
23 and participated in the herein described acts, conduct and nonfeasance of their representatives,
24 employees, agents and each of them; and that in addition thereto, upon the completion of the
25 aforesaid acts, conduct and nonfeasance of the employees and agents, the aforesaid corporate and
26 business employers, officers, directors and/or managing agents respectively ratified, accepted the
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1 benefits of, condoned and approved of each and all of said acts, conduct or nonfeasance of their
2 co-employees, employers, and agents.

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4 11. In addition, at all times herein relevant, each defendant, whether named herein or
5 designated as a DOE or ROE, was a principal, master, employer and joint venturer of every other
6 defendant, and every defendant was acting within the scope of said agency authority,
7 employment and joint venture.
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10 **JURISDICTION AND VENUE**

11 12. This Court has jurisdiction in this matter pursuant to Code of Civil Procedure
12 section 410.10 because the accident and/or injury occurred within Ventura County, California.
13

14 13. Venue is proper in this Court pursuant to the provisions of Code of Civil
15 Procedure sections 395 and 395.5, in that the accident occurred and Defendants' obligations and
16 liability arose in Ventura County, California.
17

18 **FIRST CAUSE OF ACTION**
19 **FOR NEGLIGENCE**
20 ***(Against All Defendants)***
21

22 14. PLAINTIFF repeats and realleges the preceding paragraphs as though fully set
23 forth herein.
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25 15. On or about November 22, 2018, PLAINTIFF was walking on the STORE's
26 premises when she unwittingly stepped in a foreign substance of the STORE's floor causing
27 PLAINTIFF to lose traction with the floor, causing PLAINTIFF to fall and causing PLAINTIFF
28 personal injuries.
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1 16. At that time and on that date, Defendants, and each of them, negligently owned,
2 possessed, operated, supervised, managed, warned, designed, constructed, controlled, repaired
3 and/or maintained the STORE so as to allow a slippery substance and dangerous condition to
4 remain on the STORE's premises for an unreasonable period of time.
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6 17. The aforementioned condition was known, or in the exercise of ordinary and
7 reasonable care would have or should have been known, to Defendants, and each of them, in
8 adequate time for a reasonably prudent person to warn of, clean up and make safe. the condition.
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10 18. As a proximate result of the negligence of Defendants, and each of them,
11 PLAINTIFF fell while walking on Defendants', and each of their, premises.
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13 19. As a further and direct result of the negligence of Defendants, and each of them,
14 PLAINTIFF slipped and fell and was injured in PLAINTIFF's health, strength and activity and
15 sustained injuries to PLAINTIFF's body and nervous system all of which have caused and
16 continue to cause PLAINTIFF great mental, physical and nervous pain and suffering. These
17 injuries may result in personal and permanent disabilities to PLAINTIFF all to PLAINTIFF's
18 general damages.
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20 20. As a proximate result of the negligence of Defendants, and each of them,
21 PLAINTIFF necessarily employed physicians and surgeons for medical examination, treatment
22 and care of PLAINTIFF's injuries and incurred medical and incidental expenses and may have to
23 incur additional like expenses in the future, all in amounts presently unknown to PLAINTIFF,
24 who requests leave of Court to prove that amount at trial.
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26 21. As a proximate result of the negligence of Defendants, and each of them,
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1 PLAINTIFF was disabled and may be disabled in the future and thereby be prevented from
2 attending to the duties of PLAINTIFF's usual occupation. PLAINTIFF has therefore lost
3 earnings and may continue to lose earnings in the future, all in amounts presently unknown to
4 PLAINTIFF, who requests leave of Court to prove that amount at trial.
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6 WHEREFORE, PLAINTIFF prays for judgment as follows:
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- 8 1. For general damages according to proof;
- 9 2. For damages for past and future medical expenses according to proof;
- 10 3. For loss of earnings according to proof;
- 11 4. For costs of suit herein incurred; and
- 12 5. For such other and further relief as this Court may deem proper
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16 DATED: October 7, 2020

QUIRK LAW FIRM, LLP

17 By: Trevor Quirk
18 Trevor Quirk, Esq.
19 *Attorney for Plaintiff.*
20 Deanne Filerman
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